

**(1) Seventh and Final Account and Subsequent to Seventh and Final Account of  
 Conservator, (2) Report of Conservator, (3) Services Rendered Compensation,  
 Bond Fee and Ordinary Attorney's Fee**

<b>DOD: 12/15/10</b>		<b>PUBLIC GUARDIAN</b> , Conservator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>1. Summary of account was not completed on the mandatory Judicial Council form. Probate Code 2620(a).</b>  <b>2. Need Notice of Hearing.</b>  <b>3. Need proof of service of the Notice of Hearing on:</b> <b>a. Robert Diener (grandson)</b> <b>b. Conrad Swengel (brother)</b> <b>c. Alice Horn (sister)</b> <b>d. Edna Hurst (sister)</b>
		Account period: 2/3/04 – 2/15/10	
		Accounting - <b>\$140,660.20</b>	
		Beginning POH - <b>\$ 769.70</b>	
		Ending POH - <b>\$ 1,645.60</b>	
<b>Cont. from</b>		Subsequent account period: 2/16/10 – 7/18/11	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Accounting - <b>\$3,817.84</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Beginning POH - <b>\$1,645.60</b>	
<input type="checkbox"/>	<b>Inventory</b>	Ending POH - <b>\$3,817.84</b>	
<input type="checkbox"/>	<b>PTC</b>	Conservator - <b>\$3,939.60</b> (24.65	
<input type="checkbox"/>	<b>Not.Cred.</b>	Deputy hours @ \$96/hr and 20.70 Staff hours @ \$76/hr)	
<input type="checkbox"/>	<b>Notice of Hrg</b>	Attorney - <b>\$1,000.00</b> (less than per Local Rule)	
<input type="checkbox"/>	<b>Aff.Mail</b>	Bond fee - <b>\$2,648.64</b> (o.k.)	
<input type="checkbox"/>	<b>Aff.Pub.</b>	Petitioner request that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.	
<input type="checkbox"/>	<b>Sp.Ntc.</b>	<b>Petitioner prays for an Order:</b>	
<input type="checkbox"/>	<b>Pers.Serv.</b>	1. Approving, allowing and settling the second and account;	
<input type="checkbox"/>	<b>Conf. Screen</b>	2. Authorizing the conservator and attorney fees and commissions;	
<input type="checkbox"/>	<b>Letters</b>	3. Payment of the bond fee;	
<input type="checkbox"/>	<b>Duties/Supp</b>	4. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions.	
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

**Reviewed by: KT**

**Reviewed on: 10/5/11**

**Updates:**

**Recommendation:**

**File 1 - Deiner**

**Atty Hjerpe, Thomas B (for Conservator Sharilyn L. Whitaker)**

## Final Account and Report of Conservator

<b>DOD: 3/7/04</b>			<p><b>SHARILYN L. WHITAKER,</b> Conservator, is petitioner.</p> <p>Accountings were dispensed with per Order dated 9/14/1999.</p> <p>Petitioner states at the time of her death the assets of the conservatorship consisted of approximately \$1,381.09.</p> <p>After the Conservatee's death the Conservator used the remaining cash to pay for the decedent's funeral costs and creditors.</p> <p>All assets were consumed by the expenses of the conservatorship.</p> <p><b>Petitioner prays for an Order</b> approving, allowing and settling the final account and report of the conservator.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
<b>Cont. from</b>				
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>	W/		
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
			<b>Reviewed by: KT</b>	
			<b>Reviewed on: 10/6/11</b>	
			<b>Updates:</b>	
			<b>Recommendation:</b>	
			<b>File 2 - Whitaker</b>	

**Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq) and Other: Corrected Final Inventory and Appraisal**

<b>DOD: 3/26/10</b>		<b>JONATHAN DAVID JENSEN, JR.</b> , brother, was appointed Executor, without bond on 5/20/11.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		A Petition for Order Directing Transfer of Decedent's Property; to Authorize Sale or Redemption of Securities; or in the Alternative for Instructions was heard by Judge Gallagher on 7/20/11. Judge Gallagher found that the current value of the stock is not in the best interest of the estate. Further the court found that the value of the stock at \$120,990 was not consistent with the SRA. The petition was denied without prejudice.	<u><b>Note Upcoming Hearing:</b></u> <b>Petition for Order Directing Transfer of Decedent's Property; to Authorize Sale or Redemption of Securities; or in the Alternative, for Instructions is set for hearing on 10/26/11, 9 a.m. in Dept. 303.</b>
<b>Cont. from</b>			
	<b>Aff.Sub.Wit.</b>	This status hearing was set for failure to file the first account or petition for final distribution and for a corrected inventory and appraisal.	
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	<b>Status Report of Administration filed on 10/3/11</b> states the estate is not ready for distribution. The remaining issue is the sale of the capital stock of a closely held family corporation, J.D. Jensen Builders, Inc. held by the decedent. A petition to approve the sale of the shares to the corporation was heard on 7/20/11, an objection to the sale was filed by beneficiary James Jensen, and the proposed action was denied by Judge Gallagher.	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202 Order</b>	Since the hearing, the shares of stock were revalued under the terms of the Stock Purchase Agreement, a new petition to confirm the sale was filed on 9/21/11, and scheduled for hearing on 10/26/11. It is necessary to complete the sale of the stock to comply with the executor terms of the Stock Purchase Agreement and to finalize the liquidation of the assets of decedent for purposes of cash distribution to the beneficiaries.	
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>	The personal representative has submitted a "Corrected" inventory and appraisal for the valuation of the corporate stock to the probate referee and is awaiting its return.	<b>Reviewed by: KT</b> <b>Reviewed on: 10/6/11</b> <b>Updates:</b> <b>Recommendation:</b> <b>File 3 – Jensen</b>
	<b>FTB Notice</b>		
		The personal representative will file his First Account and Report and petition for distribution upon completion of the above sale and receipt of sales proceeds to the estate.	

(1) First and Final Account and Report of Executor and (2) Petition for Allowance of Statutory Executor's and Attorney's Fees and for (3) Final Distribution (Prob. C. 10800, 10810, 10831, 10951, 11000 & 11640)

<b>DOD: 11/23/2010</b>		<b>ARTHUR C. SALLEE</b> , Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting period: 11/23/10 – 8/31/11	
<b>Cont. from</b>		Accounting - <b>\$1,051,597.86</b>	
	<b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$1,037,775.06</b>	
✓	<b>Verified</b>	Ending POH - <b>\$1,022,612.30</b>	
✓	<b>Inventory</b>	Executor - <b>\$23,515.97</b>	
✓	<b>PTC</b>	(statutory)	
✓	<b>Not.Cred.</b>	Attorney - <b>\$23,515.97</b>	
✓	<b>Notice of Hrg</b>	(statutory)	
✓	<b>Aff.Mail</b>	Costs - <b>\$1,240.00</b>	
	<b>Aff.Pub.</b>	(filing fees, publication, certified copies)	
	<b>Sp.Ntc.</b>	Closing - <b>\$5,000.03</b>	
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>	<b>Distribution, pursuant to Decedent's Will and Codicil, is to:</b>	
✓	<b>Letters</b> 2/3/11	<b>Victor Roberts and Marc Roberts</b> – all decedent's interest in grazing lands located in Coalinga, Fresno County;	
	<b>Duties/Supp</b>	<b>Coalinga Women's Club</b> - \$75,252.91;	
	<b>Objections</b>	<b>Smile Train</b> - \$6,045.42;	
	<b>Video Receipt</b>	<b>Mary Winslow</b> - 2128 shares of Chevron Common stock and \$6,045.42;	
	<b>CI Report</b>	<b>Jean Tarkington</b> - \$34,604.12;	
✓	<b>9202</b>	<b>Mike Mapel and Donna Mapel</b> - \$76,387.18;	
✓	<b>Order</b>	<b>Art Sallee</b> - \$81,045.42;	
	<b>Aff. Posting</b>	<b>Mary Winslow as custodian for Elizabeth Picard</b> under CUTMA (with funds to be held in a blocked account) - \$51,045.42;	<b>Reviewed by: KT</b>
	<b>Status Rpt</b>	<b>Mary Winslow as custodian for Gabriella Picard</b> under CUTMA (with funds to be held in a blocked account)- \$51,045.42;	<b>Reviewed on: 10/6/11</b>
	<b>UCCJEA</b>	<b>Roberta Carlson</b> - \$31,045.42	<b>Updates: 10/11/11</b>
	<b>Citation</b>		<b>Recommendation: SUBMITTED</b>
✓	<b>FTB Notice</b>		<b>File 4 - Roberts</b>

Atty Rountree, L. Clarke (former counsel for Jan Hugenroth – former sister-in-law/Respondent)

Atty Helon, Marvin T. (for Jan Hugenroth – former sister-in-law/Respondent)

Atty Walters, Jennifer (for Laurie Poppe – daughter/Contestant)

Atty Motsenbocker, G.L. (for Tom Radanovich – friend/Respondent)

Atty Kovacevich, Amy (pro per – niece/Respondent)

Petition Pursuant to Prob. C. 850 Et Seq. for Wrongfully Transfer of Personal Property and for Double Damages for "Bad Faith" Prob. C. 850 et seq; 4264(a)(c)(e)

(f):80

<b>DOD: 12/28/10</b>		<b>TOM RADANOVICH</b> , friend and named devisee in Decedent's 12/16/10 Will, is Petitioner.  <b>JAN HUGENROTH</b> , Decedent's ex-sister-in-law, is the Special Administrator of Decedent's estate. Letters originally issued 3/8/11 and are to expire 11/29/11.  <b>Petitioner states:</b> <ul style="list-style-type: none"> <li>Special Administrator Jan Hugenroth ("Respondent") is being sued in her representative capacity as Special Administrator and individually;</li> <li>Petitioner and Decedent were very close personal friends during Decedent's lifetime, and in his last Will and Testament, Decedent left certain of his assets to Petitioner;</li> <li>On 3/8/11, this Court appointed Respondent Special Administrator with limited authority providing that all funds be placed in blocked accounts subject to withdrawal only on Court order. Thereafter, Decedent's daughter Laurie Poppe filed a Will Contest;</li> <li>In September 2010, Decedent told Petitioner he intended to leave him a substantial portion of his cash assets, that he had a large amount of cash in Wells Fargo accounts and that he had designated Petitioner as the beneficiary of said accounts;</li> <li>Decedent emphatically stated he wanted Petitioner to have the Wells Fargo funds to the exclusion of anyone else;</li> <li>Decedent showed Petitioner account statements for at least 10 Wells Fargo accounts, stating that Petitioner was the designated beneficiary in the event Decedent died, and that these accounts were separate from his accounts at other banks;</li> <li>Petitioner recalls the balance in the Wells Fargo accounts was \$570,000.00;</li> <li>In the few months before Decedent's death, Respondent Hugenroth assumed responsibility and became active in Decedent's finances. On 9/15/10, Decedent executed a power of attorney for financial affairs (<i>copy attached as Exh. A</i>) and also through his attorney Rick Docker, executed a limited general durable power of attorney for Decedent's property management and personal affairs; Respondent assumed the position of a fiduciary upon her acceptance of the agency conferred through the power of attorney;</li> <li>After Decedent's death, Petitioner phoned Respondent, wherein Petitioner was told by Respondent's husband that Respondent had closed all of Decedent's Wells Fargo accounts shortly before Decedent died and transferred all funds into other accounts; Respondent's husband further stated that Decedent's decision to put all of his money into one account was done on the advice from Decedent's then attorney Clarke Rountree;</li> <li>Respondent closed the Wells Fargo accounts because she knew that Petitioner was the beneficiary of said accounts, and therefore, those accounts would not be included in Decedent's estate, but rather, payable to Petitioner as the designated beneficiary;</li> </ul> <p align="center"><b><u>SEE ATTACHED PAGE</u></b></p>	<b>NEEDS/PROBLEMS /COMMENTS:</b>  <u>Note:</u> A Court Trial in this case is currently scheduled for 11/29/10, with a Settlement Conference scheduled for 10/14/11.	
<b>Cont. from</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			<b>w</b>
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

- Because Respondent was the principal beneficiary under Decedent's Will, she knew she would receive the bulk of the funds in Decedent's estate;
- Respondent's action of closing the Wells Fargo accounts and transferring the funds was done with malicious intent and with the intent to personally benefit herself;
- Respondent knew or should have known that her actions were in violation of her fiduciary duty as Decedent's designated agent, in that she knew or should have known her actions conferred an unwarranted and unjustified benefit upon herself, and further knew that her actions were not authorized by the power of attorney, and that she acted in bad faith with intent to deprive Petitioner of property which rightly belonged to him.
- **Petitioner requests a court order:**
  - That all funds held in the Wells Fargo bank accounts of which Petitioner was designated as beneficiary by Decedent upon Decedent's death are property of and rightfully belong to Petitioner;
  - That Respondent render an accounting of all the funds from the Wells Fargo accounts of which Petitioner was designated as beneficiary from the date Petitioner would have been entitled to said funds to the present;
  - That Respondent pay Petitioner the sum total of balances in the Wells Fargo Bank accounts as of the day he would have been entitled to them, plus 10% interest from that date;
  - That Respondent pay twice the value of the funds which rightfully belong to Petitioner that the court determines Respondent wrongfully took, concealed and/or disposed in "bad faith" according to proof;
  - That Respondent pay Petitioner's reasonable attorneys' fees and costs, and
  - For other such orders as the Court deems proper.

***Respondent Jan Huguenroth's Answer, Opposition and Objection to Petition***, was filed 10/6/11. Except for the following admissions, Respondent denies Petitioner's allegations.

- The property and cash which is the subject of Petitioner's Petition was owned by Decedent, held in accounts in Decedent's name at the date of his death, and is now an asset of Decedent's estate, currently held by Respondent as Special Administrator in blocked accounts belonging to Decedent's estate;
- Decedent and Petitioner were friends, and that Decedent's last Will, dated 12/16/10, left certain assets of his estate to Petitioner;
- Respondent did file a *Petition for Probate*, and opposition to which was filed by Decedent's daughter Laurie Poppe, and Respondent was appointed Special Administrator and directed to place certain funds or monies into blocked accounts which was done as ordered;
- Decedent executed a Durable Power of Attorney dated 9/15/09 (*not 9/15/10 as Petitioner alleges*), which was prepared by attorney Rick Docker, and that Respondent provided some assistance to Decedent in taking actions at Decedent's express direction regarding Decedent's financial affairs prior to his death;
- Decedent's daughter, Laurie Poppe, is not a named beneficiary in Decedent's Will.
- At Decedent's express direction and request prior to his death, Respondent assisted Decedent with the transfer of funds from bank accounts that Decedent maintained at Wells Fargo Bank, Chase Bank, California Bank & Trust and Capital Source Bank to Decedent's accounts at Educational Employees Credit Union ("EECU");

**SEE ATTACHED PAGE**

Additionally, Respondent alleges:

- Following Decedent's personal authorization given directly by Decedent to Wells Fargo Bank, \$424,568.28 was withdrawn from Decedent's Wells Fargo personal accounts and deposited to Decedent's personal account at EECU;
- All money transferred or withdrawn from the accounts referred to in the Petition was on deposit at EECU on Decedent's date of death and said accounts have been inventoried in the Partial *Inventory & Appraisal* filed with the Court; therefore this money is now an asset of Decedent's estate subject to administration;
- Petitioner is aware that money was moved from the Wells Fargo accounts to the EECU, before Decedent's death and pursuant to Decedent's instructions;
- The actions Respondent took to assist Decedent with the withdrawal of his Wells Fargo funds were taken on December 14 and 15, 2010 – before Decedent executed his December 16, 2010 Will;
- Any duties of Respondent acting as an agent under the power of attorney were owed to Decedent, not Petitioner;
- Respondent finally denies having taken any action alleged or otherwise with a malicious intent or an intent to personally benefit herself, and also denies she violated any fiduciary duty to Decedent or took any action in bad faith or with the intent to personally benefit and/or that she is responsible for any damages or interest as alleged or otherwise.
- First Affirmative Defense: Respondent's actions in regard to Decedent's Wells Fargo accounts and other bank accounts were taken at the request of and specific direction of Decedent, and Decedent gave Wells Fargo his authorization for the withdrawal from the accounts.
- Second Affirmative Defense: The power of attorney executed by Decedent appointed Respondent as his agent and expressly authorized all actions taken by Respondent.
- Third Affirmative Defense: Decedent terminated any and all survivorship rights in the accounts and property referred to in the Petition, before he died, and as such, the accounts, property and cash referred to in the Petition are assets of Decedent's estate and subject to administration and distribution pursuant to his Will.
- Fourth Affirmative Defense: After establishing accounts with survivorship rights for Petitioner, Decedent changed his mind as to the inheritance and gifts he desired and intended Petitioner to receive, and provided for Petitioner in his 12/16/10 Will, which devises to Petitioner Decedent's residence, other personal property and a large cash sum; Decedent's Last Will states Decedent's intent to provide and state a complete estate plan, and Decedent did not intend for Petitioner to receive property under both his Will and as beneficiary on Decedent's bank accounts.
- Fifth Affirmative Defense: Petition fails to state a cause of action and/or legal ground or basis for double damages and/or interest under PrC §859 or otherwise; no property of Decedent or his estate has been taken or is even alleged to have been taken by Respondent; all allegations involve moving money from one of Decedent's accounts to another – all of which was always Decedent's money held in Decedent's name, and which is an asset of the estate.
- Violation of Will's No-Contest Clause: The Petition is a contest of and challenge to the provisions of Decedent's Will, and violates the Will's anti-contest provisions.

**Respondent requests the Court:** strike the request for double damages; deny the Petition, determine Petitioner cannot claim both as a beneficiary of accounts Decedent closed before his death and under the Will; determine the Petition violates Will's anti-contest provisions; and award Respondent her attorneys' fees and costs.

			<b>WARREN R. PABOOJIAN</b> , former Successor Trustee, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. The Status Conference Statement proposal adopted by the Court on 7/26/11 provided that Warren R. Paboojian shall be personally responsible for the payment of Thomas Bell's accountant's fees amounting to \$10,835.00. Prayer states that the trust will pay the accountant \$2,000.00 for accountancy fees. It appears that per the agreement Mr. Paboojian is responsible for the remaining balance due and not the trust.  2. Successor Trustee, Bruce Bickel's trustee fee requests includes \$435.00 in fees outside this account period (7/20/11 – 8/22/11).  3. Based on the value of the estate (\$4,222.62 and the market value of the van \$12,900.00), annual income (\$16,906.56) and the recovery amount (\$3,405.92) the bond should be set at \$37,432.10.  4. Need Order
			Account period: 10/1/04 – 7/13/11	
Cont. from			Accounting - \$775,184.67	
	Aff.Sub.Wit.		Beginning POH - \$571,925.62	
✓	Verified		Ending POH - \$493,076.75 (\$4,222.62 is cash)	
	Inventory			
	PTC		Attorney - Trustee will pay attorney fees.	
	Not.Cred.			
✓	Notice of Hrg		Trustee (Paboojian) - waives	
✓	Aff.Mail	W/	Trustee (Bickel) - \$1,920.00 (per itemization 12.80 hrs @ \$150/hr)	
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.		Costs - \$2,000.00 (balance due to C.P.A. for preparation of annual accountings and to prepare and file fiduciary income taxes)	
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections		Current bond: \$30,000.00	
	Video Receipt		Petitioner states at the hearing on the 1 <sup>st</sup> Account and Report on June 7, 2011, Judge Robert Oliver set a status conference (settlement conference) to be held on 7/26/11, appointed Bruce Bickel as a "conditional potential successor trustee" and ordered counsel to file a written proposal for the continued administration of the Special Needs Trust (SNT).	
	CI Report			
	9202			
	Order	X	On 7/21/11, counsel for the Petitioner filed a Status Conference Statement (SCS) setting forth a proposal for the continued administration of the SNT.	
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
Please see additional page				

Reviewed by: KT
Reviewed on: 10/6/11
Updates:
Recommendation:
File 9 - Garbutt



## 6 (additional page) Jason Garbutt Special Needs Trust 9-16-03 Case No. 11CEPR00313

At the Status Conference pertaining to the *1<sup>st</sup> Account and Report*, Judge Robert Oliver:

- a. Adopted the proposal for the continuation of the SNT;
- b. Removed petitioner as Successor trustee of the SNT;
- c. Appointed Bruce D. Bickel as the Successor Trustee of the SNT and ordered him to establish a new bank account.
- d. Ordered Petitioner to turn over the assets of the SNT to Bruce D. Bickel, and;
- e. Ordered Petitioner to file this *Amended 1<sup>st</sup> Account and Report* including the period of time from 1/1/10 through 7/31/11, which was not covered in the *1<sup>st</sup> Account and Report*.

The SCS Proposals Adopted by the Court on 7/26/11 for the continued administration of the SNT are as follows:

- a. The obligation for the monthly mortgage payment will be transferred to Jason Garbutt and will no longer be an obligation of the Trust;
- b. Warren R. Paboojian shall be personally responsible for the payment of Thomas Bell's accountant's fees amounting to \$10,835.00;
- c. All credit card expenses, except valid trust expenses, which have been preapproved in writing by the successor Trustee, shall be borne by Jason Garbutt personally and shall not be paid from trust assets;
- d. All living expenses such as food, clothing and shelter, PG&E, utilities, phone service, Comcast, Direct TV, internet service, entertainment, gifts, contributions, yard maintenance, etc. will be borne by Jason Garbutt personally and shall not be paid from trust assets;
- e. Prior written approval must first be obtained from the trustee for the future purchases of home repairs, medical equipment, furniture, medical supplies (other than the medical supplies purchased on an ongoing monthly basis);
- f. The following is a proposed (monthly) budget for the SNT:

Annuity Payment		\$1,408.88
Ongoing medical supplies	\$120.00	
Quadricisor payment	\$246.13	
Trustee fee (2 hrs per month)	\$300.00	
Accountant fee	\$ 80.00	
Caregiver services	\$200.00	
Property taxes	\$150.00	
Van expenses	\$ 25.00	
Medical treatments	\$150.00	

**Balance at the end of the month** **\$ 137.75**

*Please see additional page*

**Dept. 303, 9:00 a.m. Thursday, October 13, 2011**

**Petitioner states** as of July 31, 2011, the assets of the SNT excluding the Annuity (\$177,097.95), the real estate (\$265,000.00) consists of the specially equipped 2004 Toyota Sienna (estimated market value of \$12,900.00) and the First Horizon Bank checking account in the amount of \$4,222.62. the anticipated annual net income is estimated to be less than \$500.00. **Therefore the bond should be set at \$17,000.00.**

**Petitioner prays for an Order:**

1. The Amended First Account and Report of Trustee be settled, allowed, and approved, and all acts and transactions of Petitioner set for the therein be ratified, confirmed and approved.
2. Petitioner, Warren R. Paboojian, has waived any and all trustee fees to which he is entitled for serves that he rendered to the SNT during the accounting period.
3. That Successor trustee pay to Bruce Bickel the sum of \$1,920.00 as trustee fees for the services he has rendered to the SNT during the accounting period.
4. That the Trust pay to Thomas Bell the sum of \$2,000.00 as accountancy fees for the accountancy and tax services he has provided to the SNT during the accounting period.
5. That bond be posted in the amount of \$17,000.00.
6. That the SNT be administered as follows:
  - a. The obligation for the monthly mortgage payment will be transferred to Jason Garbutt and will no longer be an obligation of the Trust;
  - b. Warren R. Paboojian shall be personally responsible for the payment of Thomas Bell's accountant's fees amounting to \$10,835.00;
  - c. All credit card expenses, except valid trust expenses, which have been preapproved in writing by the successor Trustee, shall be borne by Jason Garbutt personally and shall not be paid from trust assets;
  - d. All living expenses such as food, clothing and shelter, PG&E, utilities, phone service, Comcast, Direct TV, internet service, entertainment, gifts, contributions, yard maintenance, etc. will be borne by Jason Garbutt personally and shall not be paid from trust assets;
  - e. Prior written approval must first be obtained from the trustee for the future purchases of home repairs, medical equipment, furniture, medical supplies (other than the medical supplies purchased on an ongoing monthly basis);

*Please see additional page*

f. The following is a proposed (monthly) budget for the SNT:

Annuity Payment		\$1,408.88
Ongoing medical supplies	\$120.00	
Quadricisor payment	\$246.13	
Trustee fee (2 hrs per month)	\$300.00	
Accountant fee	\$ 80.00	
Caregiver services	\$200.00	
Property taxes	\$150.00	
Van expenses	\$ 25.00	
Medical treatments	\$150.00	

<b>Balance at the end of the month</b>		<b>\$ 137.75</b>
--	--	------------------

Age: 88	SHIRLEY SOSIN, Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
DOB: 8-13-1922		
	Account period: 3-11-10 through 4-30-11	<p><u>Note:</u> Ms. DeRose is currently under conservatorship in 08CEPR00266. Conservatorship of the estate was terminated on 10-29-10 because this trust was established.</p> <p><u>Continued from 7-6-11, 8-24-11.</u></p> <p><u>As of 10-6-11, the following issue remains:</u></p> <p>1. <u>Need bond in the amount of \$30,970.45</u> (calculated on personal property and income with cost of recovery).</p> <p><i><u>Declaration filed 8-15-11 states this bond amount is out of line with the current asset situation (there are minimal cash assets, and income is \$1,956.00/month; however, Conservatee's board and care are approx. \$1,900.00/month), and the trust will never have more than \$3,500.00 in assets at any one time. Petitioner therefore requests a reduced bond of \$10,000.00.</u></i></p> <p><i><u>Examiner notes that based on annual income alone, minimum bond would be \$25,819.20, including cost of recovery.</u></i></p>
Cont. from 070611, 082411	Accounting: \$170,350.16	
Aff.Sub.Wit.	Beginning POH: \$142,695.21	
✓ Verified	Ending POH: \$134,830.02	
Inventory	(\$7,830.02 is cash)	
PTC	Trustee: Waived	
Not.Cred.		
✓ Notice of Hrg	Attorney: \$4,350.00 (Itemized – 17.4	
✓ Aff.Mail	hours @ \$250.00/hr)	
Aff.Pub.		
Sp.Ntc.	<b>Need bond: \$30,970.45</b>	
Pers.Serv.		
Conf. Screen	Petitioner prays for an Order:	
Letters	1) Approving, allowing and settling this	
Duties/Supp	account; and	
Objections	2) Authorizing payment of the attorney's	
Video Receipt	fees	
CI Report		
✓ 2620		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Updates:
		Contacts: emailed, faxed atty 8-17-11
		Recommendation:
		Reviewed by: skc
		File 7 - DeRose

Atty Wall, Jeffrey L. (for Petitioner Esther F. Sotelo, Trustee)  
 Atty LeVan, Nancy (for Co-Conservators Ann Vargas and Esther Sotelo *in resolved Conservatorship litigation matter*)

## First Account Current of Trustee (Probate Code § 2620)

Age: 87 years	<b>ESTHER F. SOTELO</b> , granddaughter and Trustee, is Petitioner.		NEEDS/PROBLEMS/ COMMENTS:  Continued from 8/24/2011. <i>Minute Order</i> states: matter continued to 10/13/2011 at the request of counsel.
DOB: 8/29/1923	Account period: 1/1/2009 – 12/31/2010		
	Accounting - \$220,723.00		
Cont. from 072611, 082411	Beginning POH - \$200,000.00		
Aff.SubW	Ending POH - \$200,000.00 ( <i>real property</i> )		
✓ Verified	Trustee - Requests fees be deferred		
Inventory	Attorney - Requests fees be deferred		
PTC	Bond - \$10,000.00 ( <i>please see note on additional page</i> )		
Not.Cred.	(Order Authorizing Proposed Action (Substituted Judgment) Nunc Pro Tunc as of 4/16/2009 signed on 5/8/2009 finds that current bond of \$10,000.00 [with bonding company American Contractors Indemnity Company], which was previously required by this Court for Petitioners as Co-Conservators of the Estate is deemed to serve as the bond for the proposed inter vivos trustee.)		
✓ Notice of Hrg	Petitioner states:		
✓ Aff.Mail	<ul style="list-style-type: none"> <li>The Esther Sotelo Family Grantor Trust was established on 4/14/2009 pursuant to <i>Order Authorizing Proposed Action (Substituted Judgment) Nunc Pro Tunc as of 4/16/2009</i> signed and filed on 5/8/2009 in the Conservatorship of the Person and Estate of Esther Sotelo, <b>Case #03CEPR01364</b>. (The nunc pro tunc order authorized the Co-Conservators, Esther Sotelo and Anna Vargas, to execute on behalf of the conservatee not only the trust instrument as authorized by the first order, but also the deed itself that transferred the real property to the inter vivos trust);</li> </ul>		
Aff.Pub.	<ul style="list-style-type: none"> <li>The Trust asset is real property located in Pasadena, CA, and was not in a rentable condition when the conservatorship was established; Petitioner has been making repairs to the house herself as time has permitted; there are currently no funds to hire a contractor for any significant repairs;</li> </ul>		
✓ Sp.Ntc.	<ul style="list-style-type: none"> <li>The Trust beneficiary is Esther Sotelo; Petitioner received advice from a social worker prior to becoming a conservator, to allocate the trust beneficiary's income from Social Security as follows: 1/3 to the rent at the place where the beneficiary is living (the home of <b>ANNA VARGAS</b>, daughter-in-law), 1/3 to the utilities expense there, such amounts as needed for upkeep of the Pasadena property, and the balance of such income to groceries and the personal needs of the income beneficiary; Petitioner has made such an allocation in this accounting;</li> </ul>		
Pers.Serv.			
Conf. Screen			
Letters			
Duties/S			
Objection			
Video Receipt			Reviewed by: LEG
Bond	X		Reviewed on: 10/5/11
✓ 2620			Updates:
✓ Order			Recommendation:
Aff. Post			File 8 – Sotelo
Status R			
UCCJEA			
Citation			
FTB Notc			

~Please see additional page~

**Petitioner states, continued:**

- The remainder of the trust beneficiary's Social Security income is not sufficient to pay for the trust beneficiary's groceries and personal needs, so Anna Vargas has been supplementing that from her own funds;
- No compensation has been received by Petitioner for her services as Trustee nor by Petitioner's attorney during this account period, as there is no cash in the trust estate for payment of fees and commissions;
- **Petitioner requests her compensation and her attorney's compensation be deferred to a later date.**

**Petitioner prays for an Order:**

- (1) Approving, allowing and settling the First Account and Report of the Trustee; and
- (2) That the matter of compensation for Petitioner and her attorney is deferred until the Trust estate has funds to pay such compensation.

**NEEDS/PROBLEMS/COMMENTS, continued:**

*Declaration of Esther Francine Sotelo Re: First Account Current* filed on 9/2/2011 states [*underscored numbered items that follow refer to issues to be addressed by the Petitioner*]:

- Petitioner requests the Court consider the overlapped portion reported in the *First Account* of the Trustee to serve as a final accounting for the Conservatorship [based upon the *First Account* of the Trustee filed 6/9/2011 by the Petitioner containing accounts for both the Conservatorship and the Trust with the following account periods: the account period of the *Second Account* in the Conservatorship was 1/1/2008 to 12/31/2008; the account period of this *First Account* of the Trustee is 1/1/2009 to 12/31/2010.]
1. Need revised proposed order which includes this information regarding both account periods for the Conservatorship and Trust, specifically finding that the order serves as approval of a final accounting of the Conservatorship case #03CEPR01364 (which has not been approved by the Court in that case and should be), and as approval of the *First Account* of the Trustee in the Trust case.
  - Petitioner states she has paid the additional \$395.00 filing fee for the final accounting of the Conservatorship. However, Court records do not show such payment has been made in the Conservatorship Case #03CEPR01364 (nor in this Trust case.)
  2. Need proof of payment of the \$395.00 filing fee in the Conservatorship Case #03CEPR01364 for the final account in the Conservatorship, pursuant to Local Rule 7.19(C) and Government Code 70658(a)(2).
  - Petitioner requested proof of bond from her insurance agent so that the bond which was filed in the Conservatorship case could be transferred to [the Trust] case; however, the insurance agent declined to do that, and is requiring that she apply for a new bond. She states she has applied for the new bond and expects it will be filed before this matter comes on for hearing [on 10/13/2011].
  3. Need proof of posting of new \$10,000.00 bond in the Trust case.

Note: Petitioner included as an attachment to her *Declaration of Esther Francine Sotelo Re: First Account Current* filed on 9/2/2011 a certified copy of the *Order Authorizing Proposed Action (Substituted Judgment) Nunc Pro Tunc as of 4/16/2009* that was filed in the Conservatorship Case #03CEPR01364, effectively transferring a copy of the actual Trust from the Conservatorship to this Trust case number for the purpose of making the Trust case file records more complete pursuant to Local Rule 7.19(C).

**Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 08/09/11</b>			<b>CHARLENE MOISTNER,</b> sister/named Executor without bond, is Petitioner.  Full IAEA - ok  Will dated 05/26/11  Residence: Fresno Publication: The Business Journal  <u><b>Estimated Value of the Estate:</b></u> Personal property - \$ 10,000.00 Annual income - 21,000.00 Real property - 440,000.00 <b>Total - \$471,000.00</b>  Probate Referee: <b>RICK SMITH</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
<b>Cont. from</b>					
	<b>Aff.Sub.Wit.</b>	s/p			
✓	<b>Verified</b>				
	<b>Inventory</b>				
	<b>PTC</b>				
	<b>Not.Cred.</b>				
✓	<b>Notice of Hrg</b>				
✓	<b>Aff.Mail</b>	w/o			
✓	<b>Aff.Pub.</b>				
	<b>Sp.Ntc.</b>				
	<b>Pers.Serv.</b>				
	<b>Conf. Screen</b>				
✓	<b>Letters</b>				
✓	<b>Duties/Supp</b>				
	<b>Objections</b>				
	<b>Video Receipt</b>				
	<b>CI Report</b>				
	<b>9202</b>				
✓	<b>Order</b>				
	<b>Aff. Posting</b>				
	<b>Status Rpt</b>				
	<b>UCCJEA</b>				
	<b>Citation</b>				
	<b>FTB Notice</b>				
			<b>Reviewed by:</b> JF		
			<b>Reviewed on:</b> 10/06/11		
			<b>Updates:</b>		
			<b>Recommendation:</b> SUBMITTED		
			<b>File 9 - Caudle</b>		

DOD: 10/19/09		<p><b>SANDRA UPCHURCH</b>, surviving spouse, is Petitioner.</p> <p>No other proceedings.</p> <p>Decedent died intestate.</p> <p>Petitioner states that she and the decedent were married for 34 years. The Petitioner and the decedent lived together as husband and wife at the property seeking to be passed with this petition during the majority of their marriage and when the decedent inherited the property from his parents. The decedent died without a Will and is not survived by any issue, siblings, parents or grandparents. Pursuant to Probate Code § 6401(c)(1), if a decedent dies intestate with no surviving issue, parent, brother, sister, or issue of a deceased brother or sister, the entire intestate share of decedent's separate property shall pass directly to his surviving spouse.</p> <p>Petitioner requests Court confirmation that decedent's 100% interest in real property located at 4537 E. Woodward, Fresno passes to her.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need Order.</li> <li>2. Petitioner states that the decedent did not have any issue, surviving siblings, parents or grandparents; but does not state whether he was survived by issue of deceased brother or sister. Pursuant to Probate Code § 6401(c)(2) only ½ of the estate would pass to the surviving spouse if the decedent is survived by issue of a deceased sibling. Need clarification.</li> <li>3. If the decedent is survived by issue of a deceased sibling, need <i>Notice of Hearing</i> with proof of service by mail at least 15 days before the hearing.</li> <li>4. Petitioner states that the decedent did not have any issue, surviving siblings, parents or grandparents. Pursuant to Local Rule 7.1.1D, if a beneficiary, <u>heir</u>, child, spouse, or registered domestic partner in any action before the Probate Court is deceased, that person's date of death shall be included in the petition.</li> </ol>
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	x		
Aff.Mail	x		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	x		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			



DOD: 10/11/10		<b>CONNIE REAGAN, JAMES LANCASTER, THERESA WILLMAN</b> , daughters and son, are Petitioners.  40 days since DOD.  I & A - \$45,000.00  Will dated 03/30/10  Petitioners request Court determination that decedent's 100% interest in real property in Fresno County (APN: 438-133-31) pass to them in equal shares pursuant to decedent's Will.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Petition states that the decedent had a deceased spouse. Pursuant to Local Rule 7.1.1D, if a beneficiary, heir, child, spouse, or registered domestic partner in any action before the Probate Court is deceased, that person's date of death shall be included in the petition.	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: JF Reviewed on: 10/06/11 Updates: Recommendation: File 11 - Lancaster				

**12 Trevar Bolech, Anthony Abraugh & Jayden Bolech (GUARD/P) Case No. 08CEPR00851****Pro Per Bolech, John (Pro Per Petitioner, father)****Pro Per Abraugh, Billy R. (Pro Per Guardian, maternal grandfather)****Petition for Termination of Guardianship**

<b>Anthony R. Abraugh</b> Age: 4 years DOB: 5/3/2007		<b>JOHN BOLECH</b> , father, is Petitioner.  <b>BILLY ABRAUGH</b> , maternal grandfather, was appointed Guardian on 1/18/2011.  Mother: <b>SHERRIE BOLECH</b>  Paternal Grandfather: <i>Not listed</i> Paternal Grandmother: Isabell Flores  Maternal Grandmother: Sherrie Lee	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Continued from 9/1/2011. Minute Order</u> states the Petitioner requests a continuance. Examiner notes are provided to the Petitioner. The Petitioner is directed to cure the defects.  The following issues from the last hearing remain:  1. <i>Need Notice of Hearing.</i> 2. <i>Need proof of service by mail of the Notice of Hearing with a copy of the Petition for Termination of Guardianship, or Consent to Termination and Waiver of Notice, or a Declaration of Due Diligence, for:</i> <ul style="list-style-type: none"> <li>• Billy Abraugh, Guardian;</li> <li>• Sherrie Bolech, mother;</li> <li>• Isabell Flores, paternal grandmother;</li> <li>• Paternal grandfather;</li> <li>• Sherrie Lee, maternal grandmother.</li> </ul>
<b>Trevar A. Bolech</b> Age: 3 years DOB: 2/16/2008			
<b>Jayden Bolech</b> Age: 2 years DOB: 3/7/2009			
<b>Cont. from 090111</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
	<b>Notice of Hrg</b>	X	
	<b>Aff.Mail</b>	X	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
✓	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		

**Court Investigator Jo Ann Morris' Report** was filed on 10/12/2011.

**Reviewed by:** LEG

**Reviewed on:** 10/6/11

**Updates:** 10/12/11

**Recommendation:**

**File 12 – Bolech & Abraugh**

<b>Age: 90</b>		<p><b>GENOBEBE SANCHEZ</b>, daughter, was appointed Conservator of the Person on 6-16-11 with medical consent powers and dementia medication and placement powers.</p> <p>At the hearing on 6-16-11, Visitation was granted to another daughter, <b>VELMA FALCON</b>, who originally petitioned for conservatorship of their mother, as follows: Saturday 3:00 pm to Sunday 8:00 pm as long as Ms. Falcon can pick up and drop off Ms. Saiz.</p> <p>The Court also granted visitation to another daughter, <b>AMELIA MENDEZ</b>, who is to work out visits with the Conservator.</p> <p>Additionally, Ms. Falcon and Ms. Mendez may visit as mutually agreed with the Conservator.</p> <p><b>The Court set this review hearing and ordered all parties to be personally present.</b></p> <p><b>Note: On 6-29-11</b>, Conservator Geneobeba Sanchez filed a "Notice of Change of Address" that appears to indicate that she and the Conservatee, Ms. Saiz, have moved in with a grandson, Petey Galvan as of 6-28-11. All parties were served by mail with the notice on 6-28-11.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need status.</p> <p>2. The "Notice of Change of Address" form filed by the Conservator is not the appropriate form to use for notification regarding the change of <u>Conservatee's</u> address. Probate Code §2352(e) requires declaration that the change of residence is the least restrictive alternative available and necessary to meet the needs of the Conservatee, and that the move is in the best interests of the Conservatee. (See Judicial Council Form GC-080 "Post-Move Notice of Change of Residence of Conservatee").</p> <p>Therefore, the Court may require a separate written or oral declaration pursuant to Probate Code §2352(e).</p>	
<b>DOB: 6-15-21</b>				
<b>Aff.Sub.Wit.</b>				
<b>Verified</b>				
<b>Inventory</b>				
<b>PTC</b>				
<b>Not.Cred.</b>				
<b>Notice of Hrg</b>				
<b>Aff.Mail</b>				
<b>Aff.Pub.</b>				
<b>Sp.Ntc.</b>				
<b>Pers.Serv.</b>				
<b>Conf. Screen</b>				
<b>Letters</b>				
<b>Duties/Supp</b>				
<b>Objections</b>				
<b>Video Receipt</b>				
<b>CI Report</b>				
<b>9202</b>				
<b>Order</b>				
<b>Aff. Posting</b>				
<b>Status Rpt</b>	X			
<b>UCCJEA</b>				
<b>Citation</b>				
<b>FTB Notice</b>				
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 10-6-11</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 - Saiz</b></p>		

Pro Per Gacad, Cecilia Nariz (Pro Per Petitioner, mother)  
 Pro Per Gacad, Jorge Gapazin (Pro Per Petitioner, father)

## Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 12 years		<p align="center"><b>NO TEMPORARY REQUESTED</b></p> <p><b>JORGE GAPAZIN GACAD</b>, father, and <b>CECILIA NARIZ GACAD</b>, mother, are Petitioners and request appointment of <b>WELLYN A. GACAD</b>, half-sister, as Guardian.</p> <p>Paternal grandfather: <i>Not listed</i>          Paternal grandmother: <i>Not listed</i></p> <p>Maternal grandfather: <i>Not listed</i>          Maternal grandmother: <i>Not listed</i></p> <p><b>Petitioners state</b> they request guardianship of the child be given to their older daughter, as she has been providing monthly support for the child since her enlistment in the military. Petitioners state the guardianship would relieve some of the parents' financial burden and it would provide the child with an opportunity for schooling and medical care that otherwise might not be available to her.</p> <p><b>Court Investigator Charlotte Bien's Report</b> was filed on 9/21/2011.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> <i>Petition</i> indicates the proposed guardian, Wellyn A. Gacad, resides in Manhattan, Kansas.</p> <p><b>Note:</b> <i>Duties of Guardian</i> form filed on 8/12/2011 is signed by the Petitioners rather than by the proposed guardian.</p> <p><b>Note:</b> <i>Petition</i> does not list the child's paternal and maternal grandparents; file has not been reviewed for defects in notice.</p> <p><b>Note:</b> Proposed order contains only the correct case number, while all remaining information is incorrect and appears to be for a different case.</p>	
DOB: 7/24/1999				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			X
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	Clearances			
<input type="checkbox"/>	Order	X		
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: LEG Reviewed on: 10/6/11 Updates: Recommendation: File 14 – Gacad		

Pro Per Montez, Adela (Pro Per Petitioner, daughter)

Petition for Letters of Administration; Authorization to Administer Under IAEA  
(Prob. C. 8002, 10450)

DOD: 5/13/2011		ADELA MONTEZ, daughter, is Petitioner and requests appointment as Administrator.	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	<ol style="list-style-type: none"> <li>Item 2(d) of the <i>Petition</i> is incomplete regarding bond.</li> <li>Item 8 of the <i>Petition</i> does not list the relationship to Decedent of the persons listed.</li> <li>Need <i>Notice of Petition to Administer Estate</i> and proof of mailed notice pursuant to Probate Code § 8110 for the following persons: <ul style="list-style-type: none"> <li>Edward Montez, Jr.;</li> <li>Maria Montez-Madrigal;</li> <li>Delia Montez;</li> <li>Cynthia Montez Santoya;</li> <li>Yoland Montez Garcia;</li> <li>Michael Montez;</li> <li>Lydia Montez;</li> <li>Cecilia Montez;</li> <li>Ricardo Montez.</li> </ul> </li> <li>Need <i>Confidential Supplement to Duties and Liabilities of Personal Representative</i> form pursuant to Local Rule 7.10.1 and Probate Code § 8404.</li> </ol>
	Aff.Mail	X	
✓	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Objections		
	Aff. Posting		
✓	Duties		
	Conf. Supp.	X	
	Video Receipt		
	CI Report		
	9202		<div> <div>Reviewed by: LEG</div> <div>Reviewed on: 10/6/11</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 15 – Montez</div> </div>
✓	Order		
✓	Letters		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Full IAEA – o.k.

Decedent died intestate

Residence – Fresno

Publication – Business Journal

**Estimated value of the Estate:**

Personal property	-	\$ 2,500.00
Real property	-	\$65,000.00
<b>Total</b>	-	<b>\$67,500.00</b>

Probate Referee: Rick Smith

**Petition for Appointment of Temporary Conservatorship of the Person (Prob. C. 2250)**

<b>Age: 81</b>		<b>GENERAL HEARING 11-2-11</b>  <b>ESTER FOSTER</b> , Daughter, is Petitioner and requests appointment as Temporary Conservator of the Person.  <b>Petitioner states</b> temporary conservatorship is needed to be able to provide the proper care for the proposed conservatee with basic needs and to prevent others from taking advantage of her. The general petition (hearing 11-2-11) states the proposed conservatee suffers from diminished mental capacity, epilepsy and congestive heart failure and has a pacemaker. She needs help with basic needs. Conservatorship is necessary for Petitioner to provide the proper care for her.  <b>Court Investigator Jennifer Young filed a report on 10-7-11.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Court Investigator advised rights on 10-4-11.</u>  <b>1. The Confidential Supplemental Information (Form GC-312) provides <i>Petitioner's</i> information at #1 (full legal name, date of birth, social security number) instead of the <u>Proposed Conservatee's</u> information. Need information re #1.</b>  <b>2. Need proof of personal service of the Notice of Hearing with a copy of the Temporary Petition at least five court days prior to the hearing per Probate Code §2250(e) on:</b> - Reymunda Garza (Proposed Conservatee)  <b>3. Petitioner states one relative's whereabouts are unknown. If diligence is not found, need proof of service of Notice of Hearing with a copy of the temporary petition at least five court days prior to the hearing per Probate Code §2250(e) on:</b> - Blanca Montanez (daughter)	
<b>DOB: not provided</b>				
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>			W
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			X
✓	<b>Conf. Screen</b>			X
✓	<b>Letters</b>			
✓	<b>Duties/Supp</b>			
	<b>Objections</b>			
✓	<b>Video Receipt</b>			
✓	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
<b>Aff. Posting</b>				
<b>Status Rpt</b>				
<b>UCCJEA</b>				
<b>Citation</b>				
<b>FTB Notice</b>				
<b>Reviewed by: skc</b>				
<b>Reviewed on: 10-7-11</b>				
<b>Updates:</b>				
<b>Recommendation:</b>				
<b>File 16 - Garza</b>				